

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12393(JGD)

TRICORE, INC. :
 :
VS. :
 :
SAFECO INSURANCE COMPANY OF :
AMERICA and R.P. IANNUCCILLO :
& SONS CONSTRUCTION CO. :

R.P. IANNUCCILLO & SONS CONSTRUCTION CO.'S
OPPOSITION TO SAFECO INSURANCE COMPANY OF AMERICA'S
MOTION FOR SUMMARY JUDGMENT

Defendant and Crossclaim Plaintiff, R.P. Iannuccillo & Sons Construction Co. ("RPI") hereby files its opposition pursuant to Rule 56 of the Federal Rules of Civil Procedure and local Rule 56.1 of the United States District Court for the District of Massachusetts to the Motion for Summary Judgment filed by defendant and crossclaim defendant, Safeco Insurance Company of America ("Safeco") relative to Count II of RPI's crossclaim against Safeco.

RPI submits that it has standing to assert a claim against Safeco under Chapter 93A and Chapter 176D and that RPI has alleged sufficient facts to sustain an action, as a matter of law, pursuant to Chapter 93A. Resolving Safeco's liability involves the resolution of genuine issues of material fact.

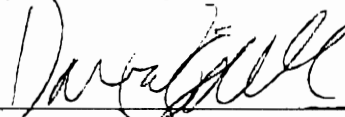
In support of its opposition, RPI relies upon its memorandum of law, the local Rule 56.1 statement of disputed material facts and the affidavits of Bruce Iannuccillo and David Campbell.

WHEREFORE, RPI respectfully requests that this Court deny Safeco's motion for summary judgment in all respects and award RPI its attorneys fees and costs in defending Safeco's meritless motion.

Defendant/Crossclaim Plaintiff

R.P. Iannuccillo & Sons Construction Co.

By its Attorneys:



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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a copy of the foregoing has been furnished by U.S. Mail, postage prepaid, this 14th day of December, 2005, to:

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